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DEPARTMENT OF LAND AND NATURAL RESOURCES**

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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**MINUTES  
KAUAI / NIIHAU ISLANDS BURIAL COUNCIL MEETING**

**DATE: TUESDAY, DECEMBER 6, 2005**  
**TIME: 9:00 A.M.**  
**PLACE: KAUAI COUNTY COUNCIL CHAMBERS**  
**5396 RICE STREET**  
**LIHUE, HAWAII 96766**

**ATTENDANCE**

**MEMBERS:** Chair LaFrance Kapaka-Arboleda Donna Aana-Nakahara  
Mark Hubbard Grace Kamai  
Catherine Pfeffer Sandra Quinsaat  
Leiana Robinson Tom Shigemoto  
Henrietta Esther Kulamanu Thaxton Presley Wann

**ABSENT:** John Kruse (unexcused)  
Barbara Say (excused)

**STAFF:** Sunny Greer, SHPD Cultural Programs Director

**ABSENT:** Vince Kanemoto, Deputy Attorney General (excused)  
Nancy McMahon, SHPD Kauai Archaeologist (excused)

**GUESTS:** Dawn Chang, Kuiwalu Consulting  
Jim Powell, SCS

**I. OPENING REMARKS**

Chair Kapaka-Arboleda called the meeting to order at 9:00 a.m. She noted for the record the excused absences from members Say and Wann. Chair Kapaka-Arboleda thanked the members for their patience and the council's commitment to maintaining an agenda free of conflict of interest.

**II. PRELIMINARY BUSINESS**

**A. Approval of SEPTEMBER 6, 2005 meeting minutes**

Member Hubbard commented on the detailed, near-verbatim minutes, which was appreciated but quite lengthy. He asked the council to consider shorter minutes. Chair Kapaka-Arboleda asked Greer to comment on the matter. Greer shared that other island burial councils have requested verbatim minutes, particularly in cases where litigation is pending or anticipated. Upon discussion with the attorney general's office, minutes should accurately reflect the discussion.

(Member Wann entered at 9:10 a.m.)

Member Shigemoto asked if there was a legal requirement as to how long the department has to maintain tape recordings of council meetings. Greer said that she would pose the question to the deputy attorney general, Vince Kanemoto, who was unavailable to be present at today's meeting. Greer shared that the department does, indeed, maintain the tapes of previously recorded minutes. She was unaware as to how far back the tapes go. The council expressed their appreciation for the department's efforts in providing the minutes as submitted.

**A motion was made that "the council accept more summarized-type minutes versus detailed, verbatim minutes." (Shigemoto/Hubbard)**

**VOTE: ALL IN FAVOR. Motion carries.**

**A motion was made to approve the September 6, 2005 minutes. (Hubbard/Shigemoto)**

**VOTE: ALL IN FAVOR. Motion carries.**

#### **B. Container Inventory**

**Information/Recommendation:** Updated inventory of human skeletal remains

Chairperson Kapaka-Arboleda distributed to the members and staff a written summary inventory of 'iwi kupuna under SHPD's curation. She acknowledged McMahon and Powell's assistance. She gave a brief description of each burial.

Kapaa burials will be reinterred alongside the bikepath route at the lookout. She encouraged members to support the bikepath, even if its only for the reason that it provides for a reinterment site for the kupuna. She anticipates reburial at the end of 2006.

Princeville burials will require a reminder letter to the landowner of the need for reburial of two individuals by SHPD. She indicated that former staff Kapeliela was tasked with the matter.

Chair Kapaka-Arboleda urged SHPD to coordinate with other DLNR divisions and other State agencies for reburial of several 'iwi kupuna who need reburial on State lands.

### **III. INFORMATIONAL UPDATES – DHHL LANDS (§13-300-40(o), HAR)**

#### **A. Anahola / Kamalomaloo [TMK: (4) 4-7-4]**

**Information/Recommendation:** Informational presentation by Scientific Consultant Services, Inc. / SCS Archaeology

Powell of SCS approached the council to discuss these projects. He distributed handouts with pictures of the proposed Kamalomaloo. He completed a GPS reading of the site, and he and

McMahon worked collaboratively on the project. Powell anticipated reinterment of the two burials for January 15, 2006 and invited the council members to participate as well as provide any comments or recommendations. Chair Kapaka-Arboleda thanked SCS for their efforts.

Powell briefly discussed the fragmentary remains that were discovered at Anahola in 1997. He indicated that SCS anticipates placing the matter on the January 2006 KNIBC agenda. After consultation with DHHL, the Lovells, Chair Kapaka-Arboleda, and the department, all parties plan on reburial near Aikanaka Heiau. They hope to have a structure to accommodate existing burials and possible future finds. Powell indicated his observance of rock pavings that may be an extension of the heiau.

**B. Kekaha [TMK: (4) 1-2-02:32]**

**Information/Recommendation:** Informational presentation by Kuiwalu Consulting

Chang of Kuiwalu Consulting was available to discuss this matter with the council. She represents Sandwich Isle Communications, who are laying the fiber-optic cables connecting Hawaiian Home Lands. Chair Kapaka-Arboleda shared that Chang was the former deputy attorney general who previously assisted the division.

Fragmentary remains were encountered in October 2005. The proper publication notices and the consultation process under NAGPRA have been initiated. Further survey of the site for additional remains will be conducted by SCS possibly in mid-December. She welcomed comments, concerns and recommendations from the council and other interested parties. They hope to relocate the remains by March 2006.

Chair Kapaka-Arboleda asked if DHHL could initiate the preservation of oral testimony from the kupuna of the area who may be willing to share their mana'o. Chang said she believed DHHL has a renewed sense of appreciation for their kuleana and felt that they want to do what's right. She will relay the recommendation to DHHL and follow up with the council next year.

#### **IV. CASE UPDATES – INADVERTENT DISCOVERIES**

Greer referred the members to the monthly summary report of inadvertent discoveries of human skeletal remains, which was previously provided to the member in their packets. She read into the record the contents of her November 29, 2005 memo to the council.

#### **V. ANNOUNCEMENTS**

**A. NOMINATIONS / APPOINTMENTS TO THE KAUAI / NIIHAU ISLANDS BURIAL COUNCIL**

**Information/Recommendation:** Discussion of Nominations/Appointments to fill anticipated vacancies on the Kauai / Niihau Islands Burial Council.

Greer announced that the terms of three (3) members will expire on June 30, 2006. They are the seats representing Waimea and Hanalei, as well as the Landowner Representative seat currently held by member Shigemoto. Chair Kapaka-Arboleda brought blank applications to distribute to interested parties. She encouraged sitting members to assist the council and the department by actively recruiting for replacements. Shigemoto said he would check to see if there are interested

individuals in A & B who would be willing to serve. Greer said that she would check with the Governor's Office to verify the number of terms served by the sitting members in the Waimea and Hanalei region.

## **VI. ADJOURNMENT**

Chair Kapaka-Arboleda adjourned the meeting at 10:14 a.m.

Respectfully Submitted,

Sunny Greer, SHPD Cultural Programs Director